

REMARKS

Status of the Claims

Claims 1-13 and 15 are pending in this application. Claim 14 has been canceled. Claim 15 has been added to specifically recite that the decoloring agent and/or dye migrate to one another. Claim 1 has been amended to place the method claim in better form by reciting the positive steps of the inventive method. No new matter has been added by the above claim amendment.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejects claim 1 because the claim allegedly fails to recite a positive step for contacting the composite material with moisture. Claim 1 has been amended to recite the positive steps of the inventive method. Claim 1 has also been amended to place the method claim in better form for U.S. patent practice. As such, the rejection is overcome and should be withdrawn.

The Examiner also rejects claims 2-4 as indefinite because it is allegedly not clear how the dye and decoloring agent interact upon contact with moisture. Applicants traverse the rejection.

Applicants submit that the water-soluble decoloring agent dissolves in the wetness on the composite material and migrates to the dye. The decoloring agent is generally easy to migrate. The dye is also preferably a water soluble dye and can also migrate to

the dye. Therefore, either the dye and/or the decoloring agent migrate(s). As such, the rejection should be withdrawn.

Claim 14 is also rejected as indefinite because it is not clear how the histories are detected. Claim 14 is canceled; thus, the rejection is moot and should be withdrawn.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejects claims 4 and 14 as anticipated by JP-2000-105230 (JP '230) or Timmons et al USP 4,022,211 (Timmons '211). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Timmons '211 discloses a wetness indicator for a baby diaper where color disappearance indicates wetness. The material of Timmons '211 contains a water-soluble colorant. However, the method of disappearance of color in Timmons '211 does not involve the migration of a decoloring agent and/or a dye where the chemical reaction that occurs when the decoloring agent and the dye coming into contact with one another causes the disappearance of color as in the present invention. In fact, Timmons '211 does not even disclose a decoloring agent. Instead the method in Timmons '211 is associated with dilution/migration of the colorant by the moisture. However, no chemical reaction takes place to make the color disappear.

Since, Timmons '211 fails to disclose each and every limitation of the claimed invention, Applicants respectfully request that the rejection be withdrawn.

'The Examiner also rejects claims 4 and 14 as anticipated by Timmons '211 or JP 2000-105230 (JP '230). Applicants traverse the rejection and respectfully request the withdrawal thereof.

The above arguments concerning the method used in disappearance of color in the diaper of Timmons '211 also apply to this rejection. In the present invention, the dye and/or decoloring agent migrate towards one another upon contact with moisture and a chemical reaction causes the dye to loss color. This is not the case in Timmons '211. As such, claim 4 recites a colorant whose color disappears upon reaction with the decoloring agent in the presence of moisture with causes one or both to migrate towards one another.

JP '230 is discussed in the specification under "Background of the Invention" at page 3. JP '230 is distinguished from the present invention in that the JP '230 system of wetness has an electron accepting color development compound and an electron donating coloration compound instead of the decoloring agent of the present invention. JP '230 is quite different from the present invention. In JP '230, a colored label is obtained by previously mixing an electron-accepting color development compound and an electron-donating colorant to be reacted with one another. When

the colored label is exposed to water, the electron-accepting color development compound and the electron donating colorant are separated from each other to cause the disappearance of color. This is not the method of the present invention.

Since, all the limitations of the present invention of claim 4 are not disclosed by JP '230 or Timmons '211, Applicants respectfully request that the rejections be withdrawn.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-3, 5-6 and 12-13 as obvious over JP '230 in view of Ohtsu USP 5,935,745 (Ohtsu '745) or Chosa USP 5,232,894 (Chosa '894). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants rely on the arguments above regarding the deficiencies in the disclosure of JP '230. Chosa '894 discloses a thermal transfer recording material that contains methine dye in the ink layer. However, Chosa '894 does not disclose a moisture or wetness indicator and Chosa '894 does not make up for the deficiencies in JP '230. Ohtsu '745 discloses an image forming medium containing an ionic dye, such as methine. Ohtsu '745 also does not disclose a moisture or wetness indicator. Ohtsu '745 also does not make up for the deficiencies in the disclosure of JP '230.

Since, the combination of references fails to disclose all the limitations of the present invention, Applicants respectfully

request that the obviousness rejection be withdrawn as no prima facie case of obviousness has been established.

The Examiner also rejects claims 7-11 as obvious over JP '230 in view of Greyson USP 4,015,462 (Greyson '462). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Greyson '462 discloses a device for measuring gravity and osmolality of liquids. In as much as, Greyson fails to compensate for the deficiencies in JP '230, this rejection should also be withdrawn as not all the limitation of the present invention are disclosed or suggested by the combination of references.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$930.00 is attached hereto.

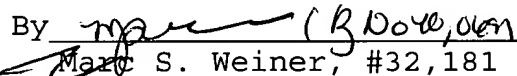
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview


in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  (B. Dore, den)
Marc S. Weiner, #32,181


MSW/KJR/crt
0649-0803P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000